Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450

Tel: 571-272-9797 Fax: 571-273-0042 Paper 1 Filed: April 6, 2009

#### UNITED STATES PATENT AND TRADEMARK OFFICE

# BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Institut National de la Recherche Agronomique,
Junior Party
(Application 10/613,053
Inventors: Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate,
Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH, McGill University, and DNA Landmarks, Inc.,
Senior Party
(Patent 7,314,971

Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova, Gregory G. Brown, Benoit S. Landry, Wing Cheung, Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES) (Technology Center 1600)

DECLARATION - Bd.R. 203(b)

1	Part A. Declaration of	f interference	
2	An interference is declared (35 U.S.C. § 135(a)) between the above-		
3	identified parties. Details of the application(s), patent (if any), reissue		
4	application (if any), count(s) and claims designated as corresponding or as		
5	not corresponding to the count(s) appear in Parts D and E of this		
6	DECLARATION.		
7	Part B. Judge managing the interference		
8	Administrative Patent Judge Richard E. Schafer has been designated		
9	to manage the interference. Bd. R. 104(a).		
10	Part C. Standing order		
11	A Trial Section STANDING ORDER [SO] (Paper 2) accompanies		
12	this DECLARATION. The STANDING ORDER applies to this		
13	interference.		
14	Part D. Identification and order of the parties		
15		Junior Party	
16 17 18 19 20 21	Named inventors:	Jun Imamura Hideya Fujimoto Ritsuko Yanagidate Nobuya Koizuka Takako Sakai Takahiko Hayakawa	
22	Involved Application:	10/613,053 filed July 7, 2003	
23 24 25	Title:	Protein Involved in Restoration of Cytoplasmic Male Sterility to Fertility and Gene Encoding the Protein and Gene	

Institut National de la Recherche Agronomique

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Assignee of Record:

1	Senior Party		
2 3 4 5 6 7 8 9	Named Inventors:	Gregory G. Brown Charles Dendy Benoit S. Landry Wing Cheung Hua Jin Fang-Ming Lai Natasa Formanova Martin LaForest	
10 11	Involved Patent:	7,314, 971 issued from Application 10/345,072 filed January 15, 2003	
12 13	Title:	Nuclear Fertility Restorer Genes and Methods of use in Plants	
14 15 16	Assignees of Record:	BASF Plant Science GMBH McGill University DNA Landmarks, Inc.	
17			
18	The senior party is assigned exhibit numbers 1001-1999. The junior		
19	party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1);		
20	SO ¶ 154.2.1. The senior party is responsible for initiating settlement		
21	discussions. SO ¶ 126.1.		
22	Part E. Count, claims and benefit of the parties		
23	Count 1		
24 25	To be determined. <sup>1</sup>		
26	The claims of the parties are:		
27 28 29	Application 10/61	3,053: Claims: 24-26, 28, 29, 32, 34, 37-41, 43, 44, 47, 53, 54, 59, 63, 64, 73-106	
30 31	Patent 7,314,971:	Claims: 1-18	
	See 37 CFR § 41.104(b).	_	

The claims of the parties which correspond to Count 1 are: 1 2 Application 10/613,053: Claims: To be determined Patent 7,314,971: 3 Claims: To be determined The claims of the parties which do not correspond to Count 1, and, therefore, 4 5 are not involved in the interference are: 6 Application 10/613,053: Claims: To be determined 7 Patent 7,314,9711: Claims: To be determined 8 The parties are accorded the following benefit for Count 1: 9 Application 10/613,053: None 10 Patent 7,314,9711: None 11 Part F. Heading to be used on papers 12 The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1: 13

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Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova, Gregory G. Brown, Benoit S. Landry, Wing Cheung, Hua Jin and Martin LaForest).

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### Title of Paper

- 1 Part G. Order form for requesting file copies
- When requesting copies of files, use of SO Form 4 will greatly
- 3 expedite processing of the request. Please attach a copy of Parts D and E of
- 4 this DECLARATION with a hand drawn circle around the patents and
- 5 applications for which a copy of a file wrapper is requested.

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER Copy U.S. Patent 7,314,971 Copy of claims of 10/613,053

## cc (via overnight delivery):

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